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EXAMINER	
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2178	

  

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/782,466

Applicant(s)

FLORSCHUETZ ET AL.

Examiner

Omar Abdul-Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 28-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 28-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The following action is in response to the response filed November 9, 2007. Amended Claims 1-26 and 28-46 are pending and have been considered below.

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 33 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These limitations are non-statutory for at least the reason that they are not tangibly embodied in a manner so as to be executable (i.e. stored on a computer readable storage medium which does not include a carrier wave or other form of transmission medium).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 17-20 and 33 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al. (US 7,117,439) in view of Fullerton et al. (US 2001/0033296).

Claim 1: Barrett discloses a method comprising:

a. generating a first phase (banner ad phase) of the multiphase advertisement, the multiphase advertisement including a streaming media component, including a graphical interface having a first dimension (column 10, lines 41-58/columns 11-12, lines 62-67 to 1-3);

b. generating a second phase (video advertisement) of the multiphase advertisement in which the graphical interface has a second dimension that is different from the first dimension of the first phase, in the second phase of the multiphase advertisement the graphical interface includes a streaming media component space (advertisement box) (column 10, lines 41-58/columns 11-12, lines 62-67 to 1-3);

Barrett does not explicitly disclose building a streaming media component using a software engine in accordance with a predefined design of the multiphase advertisement's graphical interface by which at least a set of core media player variables and a set of core media player controls are predefined, the streaming media component including a link to streaming media content. Fullerton discloses a similar method for an interactive graphical user interface including a streaming media component and method and system of producing the same that further discloses using the QuickTime 4.0 media engine to build a streaming media component with a predefined design including media player variables (size of window) and media player controls (play, pause) are predefined, including a link (hotspot) to streaming media content (page 4, paragraph 43/page 9, paragraphs 181-183). Therefore, it would have

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been obvious to one having ordinary skill in the art at the time the invention was made to build a streaming media component using a software engine in accordance with a predefined design of the multiphase advertisement's graphical interface by which at least a set of core media player variables and a set of core media player controls are predefined, the streaming media component including a link to streaming media content in Barrett. Using the known technique of building a streaming media component using a software engine by which variables and controls are predefined, the streaming media component including a link to streaming content in Barrett, would have been obvious to one of ordinary skill.

d. incorporating the streaming media component (video advertisement) into the streaming media component space (advertisement box) of the graphical interface in the second phase of the multiphase advertisement (columns 11-12, lines 62-67 to 1-3).

Claim 2: Barrett and Fullerton disclose a method as in Claim 1 above, and Barrett further discloses the content to be experienced via the streaming media component is streaming video (column 10, lines 41-58).

Claim 3: Barrett and Fullerton disclose a method as in Claim 1 above, and Fullerton further discloses the content to be experienced via the streaming media component is streaming audio (page 5, paragraph 52). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include streaming

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audio in Barrett. Using the known technique of including streaming audio in the media component of Barrett would have been obvious to one of ordinary skill.

Claim 4: Barrett and Fullerton disclose a method as in Claim 1 above, and Barrett further discloses the first graphical user interface is an animated display (column 10, lines 41-58; banner ad).

Claim 17: Barrett and Fullerton disclose a method as in Claim 1 above, and Fullerton further discloses the set of media player variables includes a video size (page 9, paragraph 181). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a video size in the set of media player variables in Barrett. Using the known technique of including video size in the set of media player variables in the media component in Barrett would have been obvious to one of ordinary skill.

Claim 18: Barrett and Fullerton disclose a method as in Claim 1 above, and Barrett further discloses the set of media player variables includes a stream bandwidth (column 6, lines 13-25).

Claim 19: Barrett and Fullerton disclose a method as in Claim 1 above, and Fullerton further discloses the set of player controls includes a play control and a stop control (page 9, paragraph 182). Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to include a play control and a stop control in the set of player controls in Barrett. Using the known technique of including play and stop controls in a set of player controls in the media component of Barrett would have been obvious to one of ordinary skill.

Claim 20: Barrett and Fullerton disclose a method as in Claim 1 above, and Barrett further discloses the streaming media content is remotely stored on a streaming server, and wherein the streaming media component includes a stream identifier that is passed to the streaming server to retrieve the streaming media content (column 6, lines 13-34).

Claim 33: Barrett discloses a method comprising:

a. generation of a first phase (banner advertisement) and a second phase (video advertisement) of a multiphase interactive graphical advertisement that includes an embedded streaming media component, the first phase having a first graphical dimension and the second phase having a second graphical dimension wherein the first graphical dimension and the second graphical dimension are different, the second phase including at least a streaming media component space (advertisement box) for integration of a streaming media component (column 10, lines 41-58/columns 11-12, lines 62-67 to 1-3);

Barrett does not explicitly disclose a player engine for incorporating the streaming media component into the streaming media component space of the second phase, the player engine including a core set of media player variables and a core set of

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media player controls for customizing the streaming media component, so that the streaming media component is made available to experience streaming media content in the second phase of the multiphase graphical advertisement. Fullerton discloses a similar method for an interactive graphical user interface including a streaming media component and method and system of producing the same that further discloses using the QuickTime 4.0 media engine to build a streaming media component with a predefined design including media player variables (size of window) and media player controls (play, pause) are predefined, including a link (hotspot) to streaming media content (page 4, paragraph 43/page 9, paragraphs 181-183). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a player engine for incorporating the streaming media component into the streaming media component space of the second phase, the player engine including a core set of media player variables and a core set of media player controls for customizing the streaming media component, so that the streaming media component is made available to experience streaming media content in the second phase of the multiphase graphical advertisement in Barrett. Using the known technique of using a player engine for incorporating the streaming media component into the streaming media component space of the second phase, the player engine including a core set of media player variables and a core set of media player controls for customizing the streaming media component, so that the streaming media component is made available to experience streaming media content in the second phase of the multiphase graphical



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advertisement in the interface of Barrett would have been obvious to one of ordinary skill.

5. Claim 5 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al. (US 7,117,439) in view of Fullerton et al. (US 2001/0033296) and further in view of Gasper et al. (US 2004/0162642).

Claim 5: Barrett and Fullerton disclose a method as in Claim 4 above, but neither reference explicitly discloses the animated display of the first graphical interface uses vector based animation graphics. Gasper discloses a similar system and method for an interactive graphical user interface including a streaming media component that further discloses using vector graphics for animations (page 5, paragraph 36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use vector graphics in the animated display of the first graphical interface of Barrett. Using the known technique of using vector based animation graphics in the interface of Barrett would have been obvious to one of ordinary skill.

6. Claims 6-16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al. (US 7,117,439) in view of Fullerton et al. (US 2001/0033296) and further in view of Katinsky et al. (US 6,452,609).

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Claim 6: Barrett and Fullerton disclose a method as in Claim 1 above, and Fullerton further discloses a toolbar in the graphical interface (page 9, paragraph 82), but neither reference explicitly discloses the toolbar includes a link to trigger the second phase. Katinsky discloses a similar method for an interactive graphical user interface including a streaming media component and method and system of producing the same that further discloses clicking on a button on a media object indicator on a banner that causes the video clip to be played immediately in the media player component (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a link to trigger the second phase in the interface in Barrett. Using the known technique of including a link to trigger a second phase in Barrett would have been obvious to one of ordinary skill.

Claim 7: Barrett, Fullerton, and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the link to trigger the second phase also launches the streaming media component (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to launch the streaming media component with the link to trigger the second phase in Barrett. Using the known technique of launching a streaming media component with a link to trigger the second phase in the interface in Barrett would have been obvious to one of ordinary skill.

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Claim 8: Barrett, Fullerton, and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes at least a link to a trailer of the motion picture (Figure 8A). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and include a link to a trailer of the motion picture in Barrett, because relating the multiphase advertisement to a motion picture and including a link to a trailer was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 9: Barrett, Fullerton, and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes at least a link to still images of scenes from the motion picture (Figure 9b/column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and include a link to still images of scenes from the motion picture in Barrett, because relating the multiphase advertisement to a motion picture and including a link to other multimedia content was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 10: Barrett, Fullerton, and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes a link to a streaming video of scenes from the motion

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picture (Figure 9b/column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and include a link to streaming video of scenes from the motion picture in Barrett, because relating the multiphase advertisement to a motion picture and including a link to other multimedia content was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 11: Barrett, Fullerton, and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes a link to a streaming video of interviews of actors or actresses from the motion picture (Figure 9b/column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and include a link to streaming video of interviews of actors or actresses from the motion picture in Barrett, because relating the multiphase advertisement to a motion picture and including a link to other multimedia content was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 12: Barrett, Fullerton, and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes a link to an interactive interface for purchasing tickets to view the motion picture at a theater (Figure 9b/column 8, lines 1-20). Therefore, it

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would have been obvious to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and include a link to an interactive interface for purchasing tickets to view the motion picture at a theater in Barrett, because relating the multiphase advertisement to a motion picture and including a link to other multimedia content was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 13: Barrett, Fullerton, and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the toolbar includes at least a link to content about the subject of the multiphase advertisement (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a link to content about the subject of the multiphase advertisement in Barrett, because including a link to content about the subject of the multiphase advertisement was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 14: Barrett, Fullerton, and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the toolbar includes at least a link to an interactive form for contacting a second user about the subject of the multiphase advertisement (column 5, lines 55-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include at least a link to an interactive form for contacting a second user about the subject of the multiphase advertisement in Barrett, because including a link to an interactive form for contacting a second user about the

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subject of the multiphase advertisement was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 15: Barrett, Fullerton, and Katinsky disclose a method as in Claim 14 above, and Katinsky further discloses the interactive form includes a field for inputting an electronic mail address of the second user (column 5, lines 55-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a field for inputting an electronic mail address of the second user in Barrett, because including a field for inputting an electronic mail address of a second user was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 16: Barrett, Fullerton, and Katinsky disclose a method as in Claim 15 above, and Katinsky further discloses upon submission of the interactive form, an electronic mail is transferred to the electronic mail address of the second user with information about the subject of the multiphase advertisement (column 5, lines 55-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to send an email to the email address of the second user with information about the subject of the multiphase advertisement in Barrett, because sending an email to the email address of a second user with information about the subject of the multiphase advertisement was recognized as part of the ordinary capabilities of one skilled in the art.

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7. Claims 21, 23-26, 28-32, 34-42, 44, and 45 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al. (US 7,117,439) in view of Katinsky et al. (US 6,452,609).

Claim 21: Barrett discloses a method comprising providing a first phase of a graphical interface (banner advertisement), the graphical interface having a first dimension in the first phase (column 10, lines 41-58/columns 11-12 lines 62-67 to 1-3), but does not explicitly disclose a first interactive component for triggering a second phase. Katinsky discloses a similar method for an interactive graphical user interface including a streaming media component and method and system of producing the same that further discloses a first interactive component (button) that triggers a second phase of playing a video (column 10, lines 52-64). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a second phase with a first interactive component in Barrett, because triggering a second phase with a first interactive component was recognized as part of the ordinary capabilities of one skilled in the art.

Barrett discloses providing a second phase of the graphical interface, in the second phase the graphical interface having a second dimension that is different than the first dimension of the first graphical interface and a streaming media component space (column 10, lines 41-58/columns 11-12, lines 62-67 to 1-3), but does not explicitly disclose the second phase is launched in response to interaction with the first interactive component. See above rationale applied with Katinsky.

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Barrett discloses providing at least one streaming media component (advertisement box) integrated in the graphical interface in the second phase, so that the streaming media component is made available to experience streaming media content in the second phase graphical interface (column 10, lines 41-58/columns 11-12, lines 62-67 to 1-3).

Claim 23: Barrett and Katinsky disclose a method as in Claim 21 above, and Barrett further discloses the first interactive component is an embedded streaming graphic (column 12, lines 4-20).

Claim 24: Barrett and Katinsky disclose a method as in Claim 21 above, and Katinsky further discloses the first interactive component is a hyperlink (column 8, lines 1-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a hyperlink as the first interactive component in Barrett, because providing a hyperlink as the first interactive component was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 25: Barrett and Katinsky disclose a method as in Claim 21 above, and Katinsky further discloses the first interactive component is a button having a graphic (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a button having a graphic as the first interactive component in Barrett, because providing a button having a graphic as the



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first interactive component was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 26: Barrett and Katinsky disclose a method as in Claim 21 above, and Katinsky further discloses the first interactive component is a graphical toolbar including at least one hyperlink for triggering a second phase graphical interface of the multiphase advertisement (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a graphical toolbar including at least one hyperlink for triggering a second phase graphical interface of the multiphase advertisement in Barrett, because providing a graphical toolbar including at least one hyperlink for triggering a second phase graphical interface of the multiphase advertisement as the first interactive component was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 28: Barrett and Katinsky disclose a method as in Claim 21 above, and Barrett further discloses the streaming media component includes a link to streaming video content (column 12, lines 4-20).

Claim 29: Barrett and Katinsky disclose a method as in Claim 21 above, and Katinsky further discloses the streaming media component includes a link to streaming audio content (column 4, lines 50-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a link to streaming

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audio content in the streaming media component in Barrett, because including a link to streaming audio content in a streaming media component was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 30: Barrett and Katinsky disclose a method as in Claim 21 above, and Katinsky further discloses the first phase graphical interface further comprises a graphical toolbar enabling a user to access additional advertisement information (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a graphical toolbar enabling a user to access additional advertisement information in the first phase graphical interface in Barrett, because including a graphical toolbar enabling a user to access additional advertisement information in the first phase graphical interface was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 31: Barrett and Katinsky disclose a method as in Claim 30 above, and Katinsky further discloses the graphical toolbar includes one or more hyperlinks (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include one or more hyperlinks in the graphical toolbar in Barrett, because including one or more hyperlinks in the graphical toolbar was recognized as part of the ordinary capabilities of one skilled in the art.

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Claim 32: Barrett and Katinsky disclose a method as in Claim 30 above, and Katinsky further discloses the graphical toolbar includes one or more graphical buttons (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include one or more graphical buttons in the graphical toolbar in Barrett, because including one or more graphical buttons in the graphical toolbar was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 34: Barrett discloses a method for an interactive graphical user interface including a streaming media component and method and system of producing the same, comprising:

- a. a first phase (banner ad phase) of the multiphase interactive advertisement comprising a graphical interface (column 10, lines 41-58/columns 11-12, lines 62-67 to 1-3);

- b. a second phase (video advertisement phase) of the multiphase interactive advertisement, in the second phase the graphical interface including at least a streaming media component space (advertisement box), and having a dimension that is different (the space defined for video advertisements and banner advertisement varies) than a dimension of the first phase (column 10, lines 41-58/columns 11-13, lines 62-67 to 1-3);

- c. a streaming media component (video advertisement) incorporated into the streaming media component space (advertisement box) of the second phase, so that

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the streaming media component is made available to experience streaming media content in the second phase of the multiphase advertisement's graphical interface (column 10, lines 41-58/columns 11-12, lines 62-67 to lines 1-3).

Barrett does not explicitly disclose the second phase of the multiphase interactive advertisement is triggered by an action performed on the first phase of the multiphase interactive advertisement. Katinsky discloses a similar method for an interactive graphical user interface including a streaming media component and method and system of producing the same that further discloses a first interactive component (button) that triggers a second phase of playing a video (column 10, lines 52-64).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a second phase with an action performed on the first phase of the multiphase interactive advertisement in Barrett, because triggering a second phase with an action was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 35: Barrett and Katinsky disclose a method as in Claim 34 above, and Katinsky further discloses the first phase includes a toolbar, the toolbar including one or more graphical buttons enabling a user of the multiphase interactive advertisement to interact with one or more features of the multiphase interactive advertisement (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a toolbar including one or more graphical buttons enabling a user of the multiphase interactive advertisement to interact with one

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or more features of the multiphase interactive advertisement in Barrett, because including a toolbar including one or more graphical buttons enabling a user of the multiphase interactive advertisement to interact with one or more features of the multiphase interactive advertisement was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 36: Barrett and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses interaction with one of the graphical buttons provides further information about the subject of the multiphase interactive advertisement (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide further information about the subject of the multiphase interactive advertisement after interacting with one of the graphical buttons in Barrett, because providing further information about the subject of the multiphase interactive advertisement after interacting with one of the graphical buttons was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 37: Barrett and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses interaction with one of the graphical buttons triggers a second phase (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a second phase with an interaction with one of the graphical buttons in Barrett, because triggering a second

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phase with an interaction with a graphical button was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 38: Barrett and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses the action facilitates the user to purchase a product (CD) or service that is the subject of the multiphase interactive advertisement (column 7, lines 31-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the action to facilitate the user to purchase a product or service that is the subject of the multiphase interactive advertisement, because facilitating a user to purchase a product or a service was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 39: Barrett and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses a mouse rollover event that is used as a trigger (column 14, lines 10-24). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a second phase by a mouse over of a first phase in Barrett, because using a mouse over as a trigger was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 40: Barrett and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses a second phase is triggered by mouse clicking on an area of the first graphical interface of the first phase (column 8, lines 1-20). Therefore, it would have

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been obvious to one having ordinary skill in the art at the time the invention was made to trigger the second phase by a mouse click on an area of the first graphical interface of the first phase in Barrett, because using a mouse click to trigger a second phase was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 41: Barrett and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses a second phase is triggered by mouse clicking on a graphical button of the first graphical interface of the first phase (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger the second phase by a mouse clicking on a graphical button of the first graphical interface of the first phase in Barrett, because using a mouse click on a graphical button to trigger a second phase was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 42: Barrett and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses a second phase is triggered by mouse clicking a hyperlink on the first graphical interface of the first phase (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger the second phase by a mouse clicking on a hyperlink on the first graphical interface of the first phase in Barrett, because using a mouse click on a hyperlink to trigger a second phase was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 44: Barrett discloses a method comprising a first phase of the multiphase interactive advertisement (banner advertisement phase) that is incorporated into a web page (web browser of Internet terminal or set-top box) which comprises a first graphical interface that includes a graphical display upon launch of the web page, the graphical interface having a first dimension in the first phase (column 13, lines 3-10/column 10, lines 41-58/column 9, lines 8-18).

Barrett discloses a second phase (second banner ad phase) that is dynamically launched after a period of time (after it is determined that another ad must run before the video advertisement is played), in the second phase the multiphase interactive advertisement's graphical interface has a second dimension that is smaller than the first dimension of the first phase (banner advertisements have variable sizes; column 14, lines 51-67/column 11, lines 62-67 to 1-3), but does not explicitly disclose the graphical interface includes a toolbar for permitting a user to interact with the second phase of the multiphase interactive advertisement. Katinsky discloses a similar method for an interactive graphical user interface including a streaming media component and method and system of producing the same that further discloses a phase of the graphical interface further comprises a graphical toolbar enabling a user to interact with the phase of the multiphase interactive advertisement (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a graphical toolbar for permitting a user to interact with the second phase in Barrett, because including a graphical toolbar enabling a user to interact with a



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phase of the graphical interface was recognized as part of the ordinary capabilities of one skilled in the art.

Barrett discloses a third phase (video advertisement phase) in which the multiphase interactive advertisement's graphical interface has a dimension that is larger than the second dimension of the second phase by disclosing that the sizes of banner advertisements and video advertisements vary (column 10, lines 41-58/columns 11-12, lines 62-67 to 1-3).

Barrett and Katinsky disclose a method for an interactive graphical user interface including a streaming media component and method and system of producing the same and Katinsky further discloses a phase is triggered by an action (clicking play on the toolbar causes the movie to play which is considered another phase) performed on a previous phase (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a third phase with an action performed on the second phase of the multiphase interactive advertisement in Barrett, because triggering a third phase with an action was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 45: Barrett and Katinsky disclose a method as in Claim 44 above, and Barrett further discloses in the third phase the multiphase interactive advertisement's graphical interface includes at least a streaming media component space (advertisement box) and wherein a streaming media component (video advertisement) is incorporated into the streaming media component space of the third phase, so that the streaming media

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component is made available to experience streaming media content in the third phase of the multiphase interactive advertisement's graphical interface (column 10, lines 41-58/columns 11-12, lines 62-67 to 1-3).

8. Claims 22 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al. (US 7,117,439) in view of Katinsky et al. (US 6,452,609) and further in view of Gasper et al. (US 2004/0162642).

Claim 22: Barrett and Katinsky disclose a method, but neither reference explicitly discloses the animated display of the first graphical interface uses vector based animation graphics. Gasper discloses a similar system and method for an interactive graphical user interface including a streaming media component that further discloses using vector graphics for animations (page 5, paragraph 36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use vector graphics in the animated display of the first graphical interface of Barrett. Using the known technique of using vector based animation graphics in the interface of Barrett would have been obvious to one of ordinary skill.

Claim 43: Barrett discloses a method comprising a first phase of the multiphase interactive advertisement that is incorporated into a web page (web browser of internet terminal or set top box), in the first phase a graphical animation (banner ad) runs in the multiphase interactive advertisement's graphical interface upon launch of the web page,

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the graphical interface having a first dimension in the first phase (column 13, lines 3-10/column 10, lines 41-58/column 9, lines 8-18), but does not explicitly disclose that the graphical animation is a vector graphic. Gasper discloses a similar system and method for an interactive graphical user interface including a streaming media component that further discloses using vector graphics for animations (page 5, paragraph 36).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use vector graphics in the animated display of the first graphical interface of Barrett. Using the known technique of using vector based animation graphics in the interface of Barrett would have been obvious to one of ordinary skill.

Barrett and Gasper disclose a second phase (second banner advertisement phase) that is launched upon completion of the vector based graphical animation of the first phase (Barrett, column 14, lines 51-67), in the second phase the multiphase interactive advertisement's graphical interface has a second dimension that is smaller than the first dimension of the first phase (the banner ads are disclosed as having variable sizes), but neither reference explicitly discloses in the second phase the graphical interface includes a toolbar for permitting a user to interact with the second phase of the multiphase interactive advertisement. Katinsky discloses a similar method for an interactive graphical user interface including a streaming media component and method and system of producing the same that further discloses a phase of the graphical interface further comprises a graphical toolbar enabling a user to interact with the phase of the multiphase interactive advertisement (column 8, lines 1-20).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a graphical toolbar for permitting a user to interact with the second phase in Barrett, because including a graphical toolbar enabling a user to interact with a phase of the graphical interface was recognized as part of the ordinary capabilities of one skilled in the art.

Barrett discloses a third phase (video advertisement phase) in which the multiphase interactive advertisement's graphical interface includes at least a streaming media component space, and in the third phase the graphical interface has a dimension that is larger than the second dimension of the second phase by disclosing that the sizes of the banner ads and video advertisements vary (column 10, lines 41-58/columns 11-12, lines 62-67 to 1-3).

Barrett discloses a streaming media component (video advertisement) incorporated into the streaming media component space (advertisement box) of the third phase, so that the streaming media component is made available to experience streaming media content in the third phase of the multiphase interactive advertisement's graphical interface (column 10, lines 41-58).

Barrett, Gasper, and Katinsky disclose a method for an interactive graphical user interface including a streaming media component and method and system of producing the same and Katinsky further discloses a phase is triggered by an action (clicking play on the toolbar causes the movie to play which is considered another phase) performed on a previous phase (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a third

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phase with an action performed on the second phase of the multiphase interactive advertisement in Barrett, because triggering a third phase with an action was recognized as part of the ordinary capabilities of one skilled in the art.

9. Claim 46 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Fullerton et al. (US 2001/0033296) in view of Macromedia Flash MX (hereinafter Flash) as supported by the tutorial Adding Video Playback in Flash MX from FlashGoddess.com (hereinafter FlashGoddess), the article Build Rich Front Ends to Your Web Applications by Koman (hereinafter Koman), and the article Flash MX vs. Livemotion 2.0 by Yank (hereinafter Yank).

Claim 46: Fullerton discloses a method comprising:

- a. a core set of player controls for controlling the streaming media of the streaming media presentation (page 9, paragraph 182);
- b. a core set of player variables (i.e. window size) for customizing the streaming media of the streaming media presentation (page 9, paragraph 192);

Fullerton does not explicitly disclose a vector based graphical development application program accessible via the computer to enable a user to specify a graphical interface design for a streaming media presentation prior to publication of the graphical interface. Flash is a vector based graphic animation tool as disclosed in Applicant's specification (page 1) that allows a user to design a multimedia streaming presentation. It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to include a graphic animation tool such as Flash to develop the interface presented by Fullerton, because using graphic animation tools such as Flash to develop an interface was recognized as part of the ordinary capabilities of one skilled in the art.

Flash includes a core set of player controls and player variables that enable a user to insert a selected set of player controls from the core set of player controls including at least a streaming media player display interface as supported by the addition of a movie clip onto the main stage of Flash (FlashGoddess, page 1).

Flash includes a core set of player controls and player variables that enable a user to set one or more of the player variables (compression quality, scaling, etc.) of the core set of player variables as supported by the third paragraph in Koman.

Flash includes a core set of player controls and player variables that enable a user to select the streaming media using a stream identifier that identifies streaming media as supported by the importing of a stream using a stream filepath (identifier) to the Flash movie presentation (Yank, page 5/Figure 6).

Flash includes a core set of player controls and player variables that enable a user to design other features (buttons, menus, etc.) of the streaming media presentation as supported by the Components paragraph in Koman.

Fullerton discloses when the streaming media presentation is launched, the computer passes the stream identifier to a backend streaming media content management system (Discourse system) that locates and retrieves the associated streaming media and passes the streaming media to the streaming media player display

interface so that the streaming media can be experienced in accordance with the user-specified design of the streaming media presentation's graphical interface (page 4, paragraph 44/page 8, paragraph 172).

### ***Response to Arguments***

8. Applicant's arguments filed November 9, 2007 have been fully considered but they are not persuasive.

Claim 1: Applicant argues, "Barrett does not teach, suggest, or disclose the claimed graphical interface which has different dimensions in the first and second phases of a multiphase advertisement, and Barrett further fails to teach, suggest, or disclose the esclaimed second phase of the graphic interface which has a different dimension than the first phase and which includes a streaming media component space to make streaming media content available to be experienced in the second phase of the multiphase advertisement's graphical interface".

In response to the Applicant's arguments, it is respectfully submitted that Barrett discloses the limitations as recited above. Barrett discloses that the advertisement box 116 that includes the banner advertisements (first phase) and the video advertisement (second phase), includes coordinate information that defines the space within which the advertisements are to be displayed and the confines of the area within which the banner advertisements are displayed. This disclosure provides a teaching of multiple dimensions by differentiating between a confined area (first dimension) in which banner

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advertisements are displayed in advertisement box, and the coordinate information that defines the space within which the video advertisements are displayed (second dimension). The same logic applies to the rejection of independent Claims 21, 33, 34, 43, and 44.

Claim 46: Applicant argues the combination of Fullerton and the Flash references fail to teach, suggest or disclose the claimed vector-based graphical development application program that enables a user to specify a graphic interface design for a streaming media presentation prior to publication of the graphical interface.

In response to the Applicant's arguments, it is respectfully submitted that the combinations of the references cited discloses the limitations as recited in Claim 46. As noted on page 31 of the Office Action, the Applicant concedes on page 1 of the specification that Flash is a vector-based graphic animation tool that allows a user to design a multimedia streaming presentation. Flash MX is a platform for building Web Interfaces, as cited on page 7 of the Koman reference. Koman further discloses a set of components (check boxes, push buttons) that the user is able to include in the application interface they are developing with Flash MX. The Flash references used in combination with the Fullerton reference produce a vector-based graphical development application program that enables a user to specify a graphic interface design for a streaming media presentation prior to publication of the graphical interface.



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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 8:30 - 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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